

Testimony on Senate Bills 39 (S-1, Draft 5) and 40 (S-1, Draft 2)

May 11, 2016

Senate Natural Resources Committee

The Honorable Tom Casperson, Chair

Sen. Casperson and Members of the Senate Natural Resources Committee:

Thank you for this opportunity to comment on Senate Bills 39 (S-1, Draft 5) and 40 (S-1, Draft 2). My name is Julie Stoneman, and I represent Heart of the Lakes, the state association of Michigan's nonprofit land conservancies. Based on our analysis, Heart of the Lakes cannot support either bill. The reasons are many, but I will focus on a few critical issues. Several of these issues were brought to the attention of the bills' primary sponsors, Senators Casperson, Booher and Robertson, in a May 1, 2015 letter following a meeting held with them and Heart of the Lakes' representatives last year.

Senate Bill 39 (S-1), Draft 5

Land Cap: SB 39 places a cap on Michigan Department of Natural Resources' (Department or DNR) ability to acquire additional land in northern Lower Michigan and the Upper Peninsula if the legislature fails to appropriate Payment in Lieu of Taxes (PILT). PILT is an obligation of the legislature and the Department of Treasury, and we do not support linking those actions to new land acquisitions by the DNR. It is easy to imagine a scenario where a host of unrelated factors may delay appropriation and therefore jeopardize months of negotiation or cause the loss of a deal for an acquisition that has universal support. Additionally, the resulting moratorium stemming from a delayed PILT appropriation could conflict with other legislative actions such as the appropriation of funds for state acquisitions through the Michigan Natural Resources Trust Fund.

Strategic Plan Approval: We agree that the Strategic Plan should be updated on a five-year cycle but do not support tying the hands of the Department to make needed changes while waiting for legislative approval.

Local Approval: We cannot support a local government's ability to veto a proposed land acquisition. We believe it will create enormous challenges for the DNR, acting on behalf of the people of the state, to site boat launches to public lakes, expand trails (motorized especially), and undertake actions to most effectively manage public land resources. Paradoxically, we also believe it would frustrate achievement of many of the goals in the Department's strategic plan approved under this legislation. Even the notion of the DNR selling off an equivalent amount of land to bypass a local approval process flies in the face of adhering to a strategic plan.

Furthermore, imagine the local opposition to new acquisitions if the DNR cannot "promulgate rules or issue orders that limits the use of or access to any land" (p. 18, beginning line 11, a clause seemingly in direct conflict with preceding sections that otherwise enable the Department to protect and preserve lands from depredation, damage, or destruction). Except for lands purchased by certain funds or because of environmental or public health emergencies, this clause, opens lands to 'all uses at all times', resulting in user conflict and potential resource degradation or destruction—reason enough for any neighbor to oppose any new state acquisitions and just one of the reasons why we object to this clause.

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We are not opposed to the DNR conferring with local units of government about proposed acquisitions. We propose a modified version of the consultation process for local units with less than 33% of state, federal, or commercial forest lands, outlined on p. 11, beginning line 8 of the draft bill, be applied instead for new acquisitions.

Land Transactions: The draft bill elevates consideration of selling or leasing land for businesses seeking expansion or resulting in economic or other benefit for a township, county or region without consideration of the benefits (economic and otherwise) to the people of the state if kept as public land. Alarming, it would allow the DNR to enter into a confidential agreement with a person making such a request until a decision is made. The notion of completely taking the review and analysis of selling public land out of the public eye should be flatly rejected.

Additionally, the bill essentially designates all state-owned land (other than state parks, recreation or game areas) managed by the DNR as surplus and therefore available for sale. This concerns us for several reasons. First, the strategic plan, which would be approved with this legislation, will enable the Department to establish parameters for identifying land subject to disposal and thus large numbers of applications to purchase or lease would be needlessly filed. Secondly, it creates the impression that all DNR-administered public land is up for sale, and we strongly disagree with that perspective on public land.

Finally, we disagree with language on p. 34, beginning line 6, that would prevent the DNR from selling land to a qualified conservation organization at fair market value. Such a sale could lessen the DNR's management burden and shift costs to private entities, yet still provide valuable public benefits such as public access, buffers between residential and hunting lands, etc.

Senate Bill 40 (S-1) Draft 2

Land Exchange Facilitation Fund: We do not support the name change or expanding the Fund's purposes to include the costs of natural resources management and public recreation activities such as administration and maintenance.

The above by no means exhausts our objections or concerns about the bills before you, but unless these key issues are addressed, we cannot see our way to supporting the legislation. Thank you again for the opportunity to speak with you today.

Sincerely,



Julie Stoneman
Associate Director